

**Awaiting Formal Approval  
MINUTES**

**UTAH  
PODIATRIC PHYSICIAN  
BOARD MEETING**

**October 25, 2012**

**Room 475 – 4<sup>th</sup> Floor – 8:30 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 8:40 A.M.

**ADJOURNED:** 12:11 P.M.

**Bureau Manager:**  
**Board Secretary:**  
**Compliance Assistant:**

Noël Taxin  
Karen McCall  
Debra Troxel

**Board Members Present:**

Francis J. Clark, DPM, Chairperson  
Douglas C. Flegal, DPM  
Gary R. Ridge, DPM  
Thomas G. Rogers, DPM  
Bryan Jackman

**Guests:**

Jamie Custer, Office Manager for Dr. Kelly Gomez

**DOPL Staff Present:**

Brittany Butsch, Investigator

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Swearing in of Bryan Jackman as a Board Member

Ms. Taxin conducted the swearing in of Mr. Jackman as a Board member. The Board welcomed him.

FYI

Ms. Taxin informed the Board of the re-appointment of Dr. Francis Clark and Dr. Gary Ridge.

Board Chairperson

Dr. Ridge made a motion for Dr. Francis J. Clark to continue as Board Chairperson. Dr. Flegal seconded the motion. **The Board vote was unanimous.**

**MINUTES:**

The minutes from the February 1, 2012 Board meeting were read.

Dr. Ridge made a motion to approve the minutes as

read. Dr. Flegal seconded the motion. **The Board vote was unanimous.**

## **APPOINTMENTS:**

### **8:45 am**

#### Annual Board Member Training

Ms. Taxin conducted the annual Board member training.

Ms. Taxin reviewed the Open and Public Meetings Act guidelines with formal Board meetings for business and reminded the Board that all Board meetings are recorded with the recording being retained for a year. She reviewed the guidelines for Board meetings and explained that Board business must be conducted in the formal Board meeting with an agenda having been posted 24 hours in advance for any interested public people to be able to attend. She explained additional agenda items cannot be added after the 24 hour deadline and will be on the next scheduled Board meeting agenda. She explained a quorum of Board members is required to make decisions with motions and votes. Ms. Taxin explained the purpose for closing a meeting and stated with the Open Public Meetings Act there are very few reasons to close a meeting for the public to leave. Ms. Taxin reviewed electronic (telephonic) participation by Board members and for interviews.

Ms. Taxin explained the process for an emergency hearing and stated she contacts three people to act as a Board to hearing the facts of the case and to make a recommendation. She stated she tries to have licensees of the profession as two of the three but it is not always possible. Ms. Taxin stated the emergency hearing agenda does not have to be posted 24 hours in advance as the hearing is usually with a day or two of determining there is an emergency situation.

Ms. Taxin stated Board members and public visitors may be requested to leave a Board meeting if they are being disruptive. Ms. Taxin covered the issue of requesting a probationer, an applicant or any individual to leave the meeting for Board discussion and stated meetings are open and comments should be made to the individual in order for them to understand

the issues.

Ms. Taxin reminded the Board that it is a priority to protect the public and the public member of the Board is a viable Board member and needs to speak up if they don't believe something said is in the best interest of the public. She stated the public member may also serve as Board Chairperson.

Ms. Taxin stressed the importance of Board members being professional, remembering they are here to protect the public, to be fair, attentive and balanced in their comments and decisions. She stated Board members should be respectful to each other as well as any probationers, visitors or appointments. She stated they should listen and consider other view points; sometimes being creative but clear and open in communication and hold judgment until after all the facts have been presented. She stated if a Board member is aware of an issue of someone meeting or aware of a probationer issue they may recuse themselves so they are not part of the discussion or part of decisions, such as, revocation of a license.

Ms. Taxin recommended the Board review and be familiar with their Laws and Rules in order to make correct decisions. She stated they should be positive role models and act with integrity as they are looked up to.

Ms. Taxin covered the fire drill and her expectations for everyone to get out of the building and meet across the street in the North parking lot to be accounted for. She asked the Board to let her know if they have any special needs and to be aware of any visitors who may have special needs in order for her to get assistance for Board members or visitors. She concluded by reviewing the fire escape locations.

Ms. Taxin asked if there were any Board questions.

**Dr. Ridge asked if all probationer proceedings are involved or if only what is agreed to in the Order is discussed and questioned if the Board is able to bring up additional information they may know about. He also asked why Dr. Gomez's case took a**

**long time to come before the Board.**

Ms. Taxin stated the Board/Division may only hold the probationer accountable to the facts/conditions approved upon in the Stipulation and Order. She stated either party can ask additional questions but additional conditions cannot be added based on the discussion.

Ms. Taxin stated the investigation on the probationer meeting today has been outstanding for some time. She stated timeframes in resolving cases might be based on criminal action pending and the Division waits until that is resolved; the licensee will retain an attorney and the negotiations between attorneys takes time and/or the investigation unit is still investigating further and lastly, the attorneys take time to process the case.

Ms. Taxin further explained sometimes there is more evidence and she believes the Board may come to the same conclusion as she if the case went to a hearing so she will pull out the pertinent evidence for the Board to hear. She stated formal hearings may take one or two days and they have tried to negotiate without going to hearings. Ms. Taxin stated there is now the informal hearing process where the Board meets, hears the facts and Ms. Taxin's recommendation and then, following their discussion, the Board makes a recommendation back to the Director for action or not.

**Dr. Rogers informed Ms. Taxin and Board that he and Dr. Ridge work in Utah County and know Dr. Gomez well. He asked if they should recuse themselves from the probationary interview.**

Ms. Taxin responded everything in the Stipulation and Order is public information. She stated they may recuse themselves by saying they are not comfortable being a part of the proceedings or they may stay and listen but not be part of any decision making or mutually agree with the probationer that they can make decisions on the case. She stated Dr. Gomez has stated he is comfortable with Dr. Rogers and Dr. Ridge being a part of the probationary interviews as he trusts them. She stated Dr. Gomez also requested one

of them to be approved as his supervisor and she does not believe that would be appropriate.

**Board members thanked Ms. Taxin for the information.**

**9:15 am**

Noël Taxin, Compliance Update

Ms. Taxin explained the probationary process and the Disciplinary Tracking Form in regard to Dr. Kelly Gomez. She then requested Dr. Clark to review the findings of fact as listed.

**Dr. Clark read the facts for the Board.**

Ms. Taxin stated when Dr. Gomez meets the Board should ask him to briefly explain why he is here but keep in mind that he can only be held accountable for the things he agreed to in the Stipulation and Order.

**Dr. Ridge asked if the Order is based on what was negotiated by the attorneys.**

Ms. Taxin responded yes. She explained that licensees are not forced to sign a Stipulation and Order and the conditions are all explained prior to signing. She stated Dr. Gomez has criminal charges pending and if he is charged there is a clause in the Order that will allow for additional action if necessary. Ms. Taxin stated Dr. Gomez will need to make sure he successfully completes the criminal conditions or he will be in violation of the DOPL Order.

**Dr. Ridge asked what determines if a license is revoked or put on probation.**

Ms. Taxin responded the licensee may have been offered a Stipulation and Order but refused the agreement. She stated if the infraction is egregious enough the case may be taken to a Board hearing with the recommendation of revocation. She stated most issues can be resolved with the licensee taking responsibility and being reeducated in specific areas to help them be better practitioners. She stated in those cases it might not be appropriate to revoke a license. She stated Dr. Gomez was over prescribing and having intimate relations with a patient. Ms. Taxin stated

Dr. Gomez also did not renew his license and then tried to blame his staff. She stated she was talking with him and he put her on hold and then had a staff person talk with her. She stated she requested the staff person to put Dr. Gomez back on the phone and then explained to Dr. Gomez that this is his probation, his responsibility and not the responsibility of his staff. Ms. Taxin stated Dr. Gomez voiced understanding of his responsibility during that conversation.

**Dr. Ridge asked when disciplinary action is reported to hospitals and the database.**

Ms. Taxin responded it is official when Mr. Steinagel signs the Order and then it is reported to the database.

**Dr. Rogers asked if Dr. Gomez has already started on some of the probationary conditions.**

Ms. Taxin responded she explained the conditions of the Order but Dr. Gomez has not yet submitted some of the things she requested.

**Dr. Rogers asked if the evaluation has been completed.**

Ms. Taxin responded yes. She explained she normally recommends an out of state program but Dr. Gomez wanted to stay in Utah and requested approval to see Dr. Roby, a Psychologist. She requested the Board review the evaluation and then referred the Board to the last page of the evaluation for the summary and recommendations. Ms. Taxin then reviewed the document with the Board.

**Dr. Rogers commented that Podiatrists proctor in hospital settings. He asked how much time is a supervisor to commit to when supervising Dr. Gomez and would the supervisor be involved with the care of patients. He also asked how Dr. Gomez explains the supervisor to patients.**

Ms. Taxin explained the approved supervisor will need to review 20% of Dr. Gomez's patient charts, be sure he is writing triplicate prescriptions; one for the patient, chart and the Division. She stated the

supervisor should meet one on one with Dr. Gomez but also may observe when he sees patients. She stated Dr. Gomez could explain the supervisor by saying he has Dr. X with him observe and to assist him in improving his services. She stated Dr. Gomez has requested Dr. Michael Nelson as his supervisor and Dr. Nelson should be coming in with Dr. Gomez today for a Board interview to be sure the proposed supervisor, Dr. Gomez and the Board understand the conditions and expectations.

**Dr. Clark asked who reimburses the supervisor for their time.**

Ms. Taxin responded most supervisors volunteer but if Dr. Gomez's supervisor wants to be compensated then Dr. Gomez is responsible for that fee. She stated the Board needs to be clear that the expectation is for Dr. Gomez and the supervisor to meet once a week at first and the supervisor needs to meet at Dr. Gomez office. She stated they should discuss boundaries and other issues of the profession during their weekly meetings. She stated when the Board is comfortable with Dr. Gomez's progress they can recommended a change in the frequency. Ms. Taxin stated the supervisor reports are due monthly for the first six months and then the Board may recommend the reports be submitted quarterly.

**Dr. Ridge voiced concern regarding Dr. Gomez having difficulties following through with commitments.**

Ms. Taxin stressed the need for the Board to be clear with Dr. Gomez regarding knowing of his weakness to follow through and be sure he understands he has the responsibility to be sure his supervisor completes and submits the reports on time or Dr. Gomez will be out of compliance with his Order. She stated the paperwork is due by the first of each month and if he has a problem he will need to contact Ms. Troxel to explain.

**Ms. Troxel stated Dr. Gomez had questions regarding the prescriptions and she recommended he ask the Board for clarification.**

Ms. Taxin explained the triplicate prescriptions for controlled substances and stated if Dr. Gomez is doing electronic prescriptions he will still be required to print a copy to submit. She stated if Dr. Gomez administers any controlled substance in his office he will be required to maintain a log and submit a copy of the log each month. She stated if he gives a patient Loritab to relax the patient prior to a procedure then he needs to put it on the log. She stated the log and reports need to be written clearly so they are readable or they will not be accepted.

**Ms. Butsch clarified that Dr. Gomez's Order requires him to submit a copy of all prescriptions he writes and not just the controlled substances.**

Ms. Taxin stated if Dr. Nelson is not present today then she will contact him and go over the conditions and expectations. She requested the Board to review the evaluation and recommendations. She then stated if the Board wants to discuss evaluation they may close the meeting. She stated the evaluation noted concerns regarding Dr. Gomez accepting responsibility and following through. She stated Mr. Roby was asked if Dr. Gomez is safe to practice and he voiced his belief that Dr. Gomez is safe to practice. Ms. Taxin informed the Board that the evaluation is not a whole comprehensive evaluation as there are no comprehensive evaluator programs in Utah. She stated she usually requires practitioners to go to PineGrove for the comprehensive evaluation but the Board should review the evaluation and if they believe more information needs to be given they can require Dr. Gomez to obtain them. She stated he will need to go to a therapist and Mr. Roby had offered therapy at his clinic with a different therapist. Ms. Taxin stated Dr. Gomez will need to get started right away and follow recommendations or, if he can't do it then maybe take a break until he is able. She stated when the Board addresses the chaperone Dr. Gomez needs to be clear regarding who the chaperone will be and if he wants more than one then he will need to submit the information for each person.

**Dr. Ridge voiced believing it is important for Dr.**



**Gomez to get the help he needs for his issues and noted that Mr. Roby did not provide a diagnosis in the evaluation.**

Ms. Taxin again stated the Board should be clear and let Dr. Gomez know he is being given an opportunity but it is his responsibility get started on the conditions soon or he will be out of compliance.

10:05

Kelly Gomez, DPM, Probationary Interview

Dr. Gomez and Ms. Jamie Custer, office manager, met for his probationary interview.

**Dr. Clark requested Ms. Tain model and conduct the interview today but a board member will conduct the interviews in the future.**

Board members and Division staff were introduced.

**Ms. Taxin requested Dr. Gomez to briefly explain why he is meeting.**

Dr. Gomez responded he crossed the boundaries with a patient several years ago. He stated he was dating a patient who he did bunion surgery on at the time but is no longer involved with this patient. Dr. Gomez stated he also was not keeping correct records of the narcotics he was prescribing for this patient as he was writing prescriptions prior to 80% of the prescription being taken before writing another prescription. Dr. Gomez further explained he has known the patient and her family for a long time and when she found out he was divorced she said they should go out sometime. He stated he was unaware the patient had a boyfriend at the time. He explained the patient called his office to report her prescriptions had been stolen by her ex-boyfriend who had broken into her apartment. He stated he then went to her apartment and followed her to the ER to be checked out and he called the police to report the stolen prescriptions. He stated it was at this point he found out the boyfriend was an active boyfriend.

**Ms. Taxin asked the extent of the relationship.**

Dr. Gomez responded they went out five or six times

but usually would get pizza and watch movies at her place on Fridays or Saturdays. He stated he was contacted by detectives who said they could not find her since the theft was reported. He stated he went over to her apartment and was met by the boyfriend. He stated when he discovered the patient was with her boyfriend then he backed off and has never seen the patient or had contact with her again.

**Dr. Flegal asked how long after the bunion surgery Dr. Gomez was writing prescriptions for the patient.**

Dr. Gomez responded about two years as the patient started getting pain in that area and he determined she would need further treatments. He stated the patient had said she could not afford more surgery.

**Dr. Flegal asked if Dr. Gomez believes the patient was abusing the narcotics he prescribed.**

Dr. Gomez responded in hind sight yes. He stated his procedure was two or three years prior to the patient returning to his office.

**Dr. Ridge stated the charges say Dr. Gomez was trading sex for medications.**

Dr. Gomez responded the boyfriend of the patient made those charges and then the patient clarified that the charges were not true. He denied any sexual favors were traded for narcotics.

**Ms. Taxin stated Dr. Ridge and Dr. Rogers disclosed they work in the same area as Dr. Gomez and she asked if all parties are comfortable with them being part of the discussion and possibly making decisions regarding compliance and licensure.**

Dr. Gomez responded he was comfortable with Dr. Ridge and Dr. Rogers being in the meeting and being part of any decisions that may need to be made.

**Ms. Taxin then asked Dr. Ridge and Dr. Rogers if they would be comfortable participating in Dr.**

**Gomez appointments.**

Dr. Ridge and Dr. Rogers both responded they would be comfortable participating.

**Dr. Clark asked how Dr. Gomez determined how many medications to prescribe to the patient.**

Dr. Gomez responded he used the formula of needing x number of pills every so many hours and then added in the number of days and prescribed that number. He stated the patient called one time and said she was at the airport and would be out of town for a number of days. He stated she requested an advance on her medications and he did it for her. Dr. Gomez stated he also gave her an advance another time.

**Ms. Taxin asked what his procedure is now.**

Dr. Gomez responded he evaluates pain level more now. He stated he also has patients see him once a week and he tells them if they are doctor shopping and he finds out then he will terminate their care and turn them in as pain will not kill anyone.

Dr. Gomez responded he works with Dr. Oakey now and refers patients to Dr. Oakey. He stated his medical assistant is now with him and holds the prescription pads to give him when he writes prescriptions.

**Dr. Rogers asked if Dr. Gomez gives injections of narcotics in the office.**

Dr. Gomez responded no. He stated he does give patients oral valium and writes prescriptions for 3 valium for patients to take one before they come into the office for a procedure, take one at the office and take one when they get home.

**Dr. Flegal commented prescriptions written in Utah cannot be filled out of State.**

Dr. Gomez responded he used to believe it was his responsibility to plan ahead for the patient as he created the pain for them.

**Ms. Taxin stated Dr. Gomez has options for pain ie: maybe start patients on Ibuprofen first instead of Oxycodone. She stated patients have a responsibility to notify the practitioner of any side affects, any addictions, etc. She stated Dr. Gomez should not treat patients for medical chronic pain as that would be out of his scope for practice.**

Dr. Gomez responded he does not treat patients for chronic pain on a long term basis. He stated he treats acute podiatry pain.

**Dr. Ridge commented he believes it is important to discuss with patients in pre-op regarding the control of pain.**

Dr. Gomez responded he has changed some of his intake questions to include asking if the patient has had pain before and if they are on pain medications. He stated he now has a medication contract for patients to sign if they are on long term pain medications and he sends them to Dr. Oakey to review.

**Ms. Taxin stated it is important to have patients sign a contract with him even if it is for legend drugs as the patients might be obtaining medications from other providers.**

**Dr. Ridge asked Dr. Gomez to explain his feelings regarding the charges in the Stipulation and Order.**

Dr. Gomez responded the charges are serious. He stated he understands what he was doing was unethical and inappropriate.

**Dr. Ridge asked Dr. Gomez to address the misdemeanor for witness tampering.**

Dr. Gomez responded that was in regard to the boyfriend. He stated he did talk with the man and recommended he get the patient into a rehabilitation center as she has a problem.

**Dr. Clark asked if Dr. Gomez obtained a protective**

**order from the law enforcement.**

Dr. Gomez responded no. He stated he explained to the boyfriend that his intent was for the patient to get the help she needed. He stated the boyfriend has left him alone.

**Ms. Taxin requested Dr. Gomez to review his understanding of his Order.**

Dr. Gomez responded he has contacted Dr. Nelson to be his supervisor and has given him a copy of the Order to read. He stated he discussed with Dr. Nelson the requirement of reviewing 20% of the patient charts to be sure the documentation is appropriate and appropriate medications were prescribed with justification for the medications. Dr. Gomez stated he has shown his office manager and medical assistant the Stipulation and Order and they have access to it if they need to refer to it. He stated he now leaves the patient room doors open unless the patient asks for it to be closed. He stated he is now writing triplicate prescriptions and in June he started double logging in everything. He stated if he suspects any drug abuse he runs a DOPL background on those patients. Dr. Gomez stated many patients do not list their Primary Care Practitioner who oversees their care.

**Ms. Taxin stated the proposed supervisor submitted his resume but will need to submit the form documenting he has read the Order and is will willing to supervise Dr. Gomez. She stated the letter will need to be submitted no later than Friday, November 2, 2012. Ms. Taxin stated she will call the proposed supervisor as he did not come with Dr. Gomez today and explain his responsibilities and the Board/Division expectations. Ms. Taxin stated Dr. Gomez's supervisor will need to meet with him once a week to start and may sit in on an appointment if he believes it would be helpful, he must choose and review 20% of Dr. Gomez's charts, talk with the staff and discuss and review with Dr. Gomez the issues of his probation. She stated the supervision visit will need to be as long as the supervisor determines is necessary and Dr. Gomez will need to**

**reimburse the supervisor for his time if necessary.**

**Ms. Taxin stated the Board will need to review the evaluation with Dr. Gomez and it will assist him to be a better practitioner. She stated Dr. Gomez will need to complete the PRIME and PACE courses and she recommended he get registered and do the courses soon. She reminded Dr. Gomez that the courses will count toward the required continuing education.**

**Ms. Taxin reminded Dr. Gomez that he must write triplicate prescriptions and submit one copy to the Division by mail or fax but all documents need to be readable. She stated he must also maintain an active license throughout his probation.**

**Ms. Taxin stated Dr. Gomez has an active unrestricted DEA registration.**

Dr. Gomez responded Ms. Taxin is correct.

**Dr. Clark asked if the triplicate prescription includes injectables.**

**Ms. Taxin responded it might be due diligence to account for all prescriptions and then the Board could make a recommendation regarding a change at a later date.**

**Dr. Ridge commented he does not believe Dr. Gomez should submit local anesthetic or steroid injection prescriptions.**

**Ms. Taxin asked the Board if they want triplicate prescriptions for controlled substances only.**

**Following a short discussion, Dr. Ridge made a motion that Dr. Gomez would not need to supply written verification of non-narcotic injectables.**

**Dr. Flegal seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin stated the probation is not intended**

**to be onerous or a punishment but is intended as a process to assist Dr. Gomez to be a better practitioner.**

**Ms. Taxin then addressed Ms. Custer, the office manager. She reminded Ms. Custer that this is not her probation, it is Dr. Gomez's and it is his responsibility to submit required information. She stated Ms. Custer needs to be willing to call her if there is anything inappropriate or she is uncomfortable with something and her position with Dr. Gomez should not be threatened by him in regard to his probation requirements. She suggested Dr. Gomez and Ms. Custer have a team meeting with all employees and discuss appropriate boundaries. Ms. Taxin asked if Ms. Custer would be acting as the chaperone for Dr. Gomez.**

Ms. Custer responded she is the only full time employee so, yes, she will be one of the chaperones.

Dr. Gomez responded Debbie and Cathy will also be chaperones. He also stated they have started having team meetings once a week and he does not attend so the staff can be honest in their comments.

**Ms. Taxin stated she will assign Ms. Custer to be in charge of the chaperones and will need resumes and phone numbers from Debbie and Cathy.**

**She then addressed Dr. Gomez and stated he needs to be professional in his office and if patients ask personal questions he should kindly inform them he does not talk about personal business. She stated if Dr. Gomez is uncomfortable with any of his patients he should refer them to someone else.**

Ms. Custer commented patients love Dr. Gomez and try to line him up all the time with their sisters, nieces, etc.

**Ms. Taxin stated Dr. Gomez should want his patients to like him but there is a boundary line that he should not cross. She stated he needs to take responsibility and if he does decide to go out with a person he should not be seeing them as a**

**patient.**

**Ms. Taxin informed Ms. Custer and Dr. Gomez that they will need to keep track of all chaperoned patients on the chaperone log and if there should be an issue it should be documented in the chart. She suggested he have a chaperone log in each room for the convenience of everyone to fill in and sign.**

Dr. Gomez stated he talked with Ms. Troxel this morning regarding not needing a chaperone when he sees male patients.

**11:00 am, Closure of Meeting**

**Dr. Ridge made a motion to close the meeting to discuss Dr. Gomez's character, professional competence, or physical or mental health.**

**Dr. Flegal seconded the motion.**

**The Board vote was unanimous.**

**11:31 am, Reopen Meeting**

**Dr. Clark made a motion to reopen the meeting.**

**Dr. Flegal seconded the motion.**

**The Board vote was unanimous.**

**Ms. Taxin suggested the Dr. Nelson meet in person or telephonically with the Board at the next scheduled Board meeting to be sure he is committed to the process and understands his role and the expectations of the Board. She requested Ms. Custer submit a list of all the chaperones and to be sure they understand they need to contact DOPL regarding any boundary issues.**

**Ms. Taxin stated by the next meeting Dr. Gomez should have a commitment ready to present to the Board regarding when he will take the PACE and PRIME courses.**

**Dr. Clark asked when the Board will be meeting for the next two meetings.**



**Ms. Taxin responded January 30, and April 17, 2013.**

**Dr. Clark suggested if Dr. Gomez is in compliance that the January 30, 2013, Board meeting be cancelled and he meet again April 17, 2013, but if Dr. Gomez is out of compliance then move the meeting date up.**

**Ms. Taxin stated it appears Dr. Gomez has a difficult time with details. She voiced hoping this probationary process will assist him to grow. Ms. Taxin then reiterated the following list of expectations:**

- 1. Contact Dr. Nelson and submit the required resume and letter by November 2, 2012;**
- 2. Within the next few days submit the list of chaperones with their full names and telephone numbers; and**
- 3. Submit the name, resume and letter from the proposed therapist within the next few days.**

Dr. Gomez voiced understanding of the conditions of his Order and the expectations listed above.

**Dr. Clark volunteered to act as the interviewer for Dr. Gomez's future appointments.**

**The Board determined Dr. Gomez is in compliance as much as possible for his first appointment.**

**An appointment was made for Dr. Gomez to meet again April 17, 2013 unless he is out of compliance in submitting the required information and then he will meet January 30, 2013.**

## **DISCUSSION ITEMS:**

Review R156-5a-305, Radiology Course for Unlicensed Podiatric Assistants

Ms. Taxin explained the Division has received several telephone calls requesting clarification regarding examinations for Podiatric assistants. She reviewed the Radiology Practical Technician Rules (R156-54-302b(a)(b)(v)) with the Board and asked if the AART Podiatric limited scope examination would meet the

examination requirements.

**Board members responded yes.**

Informal Hearings

This item was deferred to the next scheduled meeting.

FAQ's Review

Ms. Taxin explained the FAQ's on the DOPL Podiatry website. She stated she will add a FAQ regarding controlled substances (CS's) and asked if the Board had any additional suggestions.

**The Board thanked Ms. Taxin for including CS FAQ's and had no additional suggestions.**

Rule Filing for CS Prescribers

Ms. Taxin explained every practitioner who holds a controlled substance license will be required to complete 4 hours of CME prior to the next renewal. She stated the tutorial and examination taken for this past renewal will count for 30 minutes and she wrote a Rule regarding the additional 3.5 hours which must be approved by the UMA. She explained the UMA is developing an online program to meet the requirements.

**Dr. Flegal asked if the UPA could develop their own training and exam.**

**Dr. Clark read the Law which requires a Category 1 course and stated the UMA would need to approve the course. He stated many times other associations add to the cost for courses for those who are not a members of that specific association.**

Ms. Taxin suggested Candace Daly, UPA Association, contact Monte Thompson, UDA Association, or Michelle McOmber, UMA Association to address the concerns discussed.

**The Board thanked Ms. Taxin for the information and requested she keep them updated regarding any specific courses.**

2013 Board Meeting Schedule

The Board noted the following dates have been scheduled for the 2013 Board meeting schedule: January 30, April 17, July 17 and October 2, 2013.

**CORRESPONDENCE:**

NAMI Information

Ms. Taxin reviewed the NAMI information with the Board. She stated if the Board would like them to meet to discuss their program and services then she will arrange an appointment. She stated she believes the information could be dispersed to members by the Association.

**Board members agreed with Ms. Taxin in that the information should go to the Association. They agreed that the Association would be a more appropriate place for them to distribute their information for the public.**

NBPME Report, Fall Issue

Board members reviewed the report.

**No Board action taken.**

**NEXT MEETING SCHEDULED FOR:**

January 30, 2013

**ADJOURN:**

The time is 12:11 pm and the Board meeting is adjourned.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

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Date Approved

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Chairperson, Utah Podiatric Physician Licensing Board

December 5, 2012  
Date Approved

(ss) Noel Taxin  
Bureau Manager, Division of Occupational & Professional Licensing